

Expert Group Meeting

Gender-Based Violence and the Workplace

13-14 December 2011

Background Brief

Introduction

Gender-based violence, including domestic violence, sexual violence, stalking and other forms of family violence and abuse have long affected women's lives. The employment-related effects and costs of gender-based violence, whether it occurs in the workplace or outside of it, have gained greater recognition in recent years. Along with this awareness has come recognition of the need for proactive strategies to facilitate employees' safety at work and to reduce employers' economic losses associated with employees' experience with gender-based violence.

The Extent of the Problem

Research on the prevalence of intimate partner violence alone reveals significant variations in findings owing to different methodologies, definitions, and geographical locations. According to the Family Violence Prevention Fund (now Futures Without Violence), one in every three women across the world has experienced sexual, physical, emotional or other abuse in her lifetime. The World Health Organization (WHO) conducted a study across ten developing countries and found that between 15 and 71 per cent of women had experienced physical or sexual partner violence in their lifetime, and between 4 and 54 per cent had experienced it during the last year.¹ UNiTE's review of country data and global surveys shows that up to 70 per cent of women experience violence in their lifetime and that the most common form of violence experienced by women is physical violence inflicted by an intimate partner.² The severity of this issue cannot be underestimated, with several global studies indicating that half of all women who die from homicide are killed by a current or former partner.³ Further, the World Bank reported that women aged 15-44 are more at risk from rape and domestic violence than from cancer, car accidents, war or malaria.⁴

Although the vast majority of victims of intimate partner violence ("IPV") are women, studies reveal that men are subjected to abuse as well. Nevertheless the vast majority of victims (estimated at around 90%) are women and that the majority of perpetrators are men. Importantly, the majority of research into violence and abuse against women only accounts for women of reproductive age, and in a workplace context it is essential to consider that many women over the age of 49 will also have experienced intimate partner violence or that inflicted by other members of the extended family. Crucially, no institution is immune from the effects of gender-based violence, largely because of its widespread and universal nature.

¹ WHO Multi-country Study on Women's Health and Domestic Violence Against Women (2005), *available at* http://www.who.int/gender/violence/who_multicountry_study/en/

² Violence Against Women: the Situation; UNiTE to End Violence Against Women (Nov. 2011) *available at* http://endviolence.un.org/pdf/pressmaterials/unite_the_situation_en.pdf

³ Ibid.

⁴ Ibid.

Why is this a Workplace Issue?

Gender-based violence is universal, a means of unacceptably asserting power over another and cuts across race, class, sexual orientation, and economic status. Put simply, intimate partner violence and other forms of gender-based violence and abuse endanger an organization's most important asset – its employees. The violence can follow victims and perpetrators, resulting in incidents of abuse or harassment in the workplace, or its effects can impact the workplace through decreased productivity, increased absenteeism, health and safety risks, and increased healthcare costs for the employer. Therefore, it is essential that domestic violence be seen as a critical and preventable problem, and that it is given the attention given to many other workplace health and safety issues.

Research into the impact of IPV in the workplace is limited, and the majority of data relates to high-income, developed countries. However, these studies shed light on the nature of its impact and the role of employers in addressing this issue:

1. The impact on employee performance and productivity:⁵

- 37% of women who experienced domestic violence reported that it had a negative impact on their job performance, including lateness, absenteeism, decreased job retention and career advancement;
- Women who had recently experienced domestic violence lost 26% more work time to absenteeism and lateness than non-victims;
- A quarter of the 1 million women who are stalked each year report absenteeism as a consequence, missing an average of 11 days;
- 41% of perpetrators of violence are found to have job performance issues and 48% reported having difficulty concentrating as a result of their abusive behaviors.

2. The impact on employee health:⁶

- Women who experienced violence or abuse were significantly more likely to report being in 'fair or poor' health, and were almost twice as likely to be experiencing depression;
- In one study, 50% of corporate leaders reported that domestic violence impacts on their own organization's insurance and medical costs;
- Women who have experienced intimate partner violence are more likely to have thoughts of suicide, and to have attempted suicide, than women who have not;
- Women who have been victims of intimate partner violence are less likely to access preventative and injury related healthcare than non-abused women;

⁵ The Impact of Domestic Violence on the Workplace, Pennsylvania Coalition Against Domestic Violence. Available at: www.pcadv.org/Resources/Impact.pdf; Domestic Violence in the Workplace, National Coalition Against Domestic Violence. Available at: www.ncadv.org.

⁶ The Impact of Domestic Violence on the Workplace, Pennsylvania Coalition Against Domestic Violence. Available at: www.pcadv.org/Resources/Impact.pdf; Intimate Partner Violence and Healthy People 2010 Fact Sheet, Family Violence Prevention Fund. Available at: WWW.ENDABUSE.ORG; WHO Multi-country Study on Women's Health and Domestic Violence Against Women (2005).

- Many of the health effects of intimate partner violence can continue to affect survivors years after the abuse has ended.

3. The cost to the employer:⁷

- A US study estimates that in America alone, the annual cost of domestic violence owing to lost productivity is \$727.8 million, with almost 8 million paid work days lost each year;
- In a single case in which an employer was accused of failing to respond to an employee's risk of domestic violence on the job, the liability cost to the employer totaled \$850,000;
- In America, the cost of intimate partner violence associated with direct medical and mental health services is \$4.1 billion, and a substantial proportion of this cost falls on the employers.

4. Awareness and response to the issue:⁸

- 63% of corporate leaders identified domestic violence as a major social issue, and 91% of senior corporate executives think that domestic violence effects both the private and working lives of their employees;
- 58% of CEO's were aware of employees that had experienced domestic violence;
- Conversely, only 13% of corporate leaders thought that corporations should play a significant role in addressing domestic violence;
- In the US, over 70% of workplaces have no program or policy to address workplace violence, and only 4% train employees on the impact of domestic violence in the workplace.

Gender-based violence contributes to sex discrimination at work and diminishes women's participation and advancement in the workplace.⁹ Gender bias, whether subtle or overt, combined with an employers' discomfort or lack of experience with issues of violence, can exacerbate the negative effects of violence on an employee. Women continue to be terminated, denied positions, and subjected to other adverse job

⁷ The Facts on the Workplace and Domestic Violence, Futures Without Violence. Available at: http://www.futureswithoutviolence.org/userfiles/file/Children_and_Families/Workplace.pdf

⁸ Corporate Alliance to End Partner Violence, *Corporate Leaders and America's Workforce on Domestic Violence*, available at <http://www.caepv.org/getinfo/docdetail.php?docID=549&catID=1>.

⁹ See, e.g., CEDAW Gen. Rec. No. 19, ¶ 1 (violence against women, including domestic violence, is a form of discrimination); see also Declaration on the Elimination of Violence Against Women, G.A. Res. 104, U.N. GAOR, 48th Sess., U.N. Doc. 1/49/104 (1993) (“[V]iolence against women is an obstacle to the achievement of equality . . . constitutes a violation of the rights and fundamental freedoms of women . . . [and] is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men . . .”), [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument). See also, G.A. Res. 63/155.

actions because of their experiences with domestic or sexual violence.¹⁰ Although the studies undoubtedly underestimate the prevalence of abuse, due to the fact that it often goes unreported, it is certain that a large number of UN employees face violence in and outside of the workplace on a daily basis.

The Role of UN Women

Fully cognizant of the universality of the prevalence of violence against women this area constitutes one of its five strategic foci. In this context, UN Women facilitate the development of a potential policy response to the issue that focuses on the workplace ramifications of abuse. It is hoped that the policy will serve as a basis for consideration and adoption by entities of the UN System of an appropriate policy on gender based violence and the workplace. The policy informed by good practice, seeks to establish a framework to address the issue and to promote a workplace culture which is adequately informed, responsive and supportive. It would be expected to provide substantive and procedural clarity on the institution's position, and outline the measures an organization may take to address situations involving gender-based violence.

Model policy

The Expert Group Meeting will draw on the expertise and experience of participants especially in the context of a review and discussion of a potential model policy. Some key elements of the policy include fair procedures for assisting survivors and holding perpetrators accountable and effective practices to enhance awareness and advance the rights and safety of all personnel.

a. Assisting survivors

Effective policies include provisions that: prohibit discrimination and retaliation; recognize employees' need for time off to secure medical assistance, legal assistance, counseling, or to attend to other matters related to the violence, such as court proceedings, relocation, or safety planning for the victim and family members; accommodate temporary work performance difficulties; and assist the employee to enforce a protective order when possible.¹¹

The policy should recognize the importance of safety and security precautions and that victims should be referred to domestic or sexual violence service providers who are in the best position to provide counseling and support. An effective policy should encourage easy access to information and resources, and should provide that all discussions should be kept confidential to the extent possible under governing law.

¹⁰ Gender Violence and Work: Reckoning with the Boundaries of Sex Discrimination Law, Julie Goldscheid, 18 Columbia Journal of Gender and Law 61 (2008)

¹¹ See e.g., NYS Office for the Prevention of Domestic Violence, <http://www.opdv.state.ny.us/professionals/workplace/privatepolicy.html>; Workplaces Respond to Domestic and Sexual Violence at <http://www.workplacesrespond.org/>, Corporate Alliance to End Partner Violence <http://www.caepv.org/getinfo/docdetail.php?docID=167&catID=5>, Safe at Work Coalition, <http://www.safeatworkcoalition.org/workplacepolicy/guidelines.htm>.

b. Holding perpetrators accountable

With the goal of addressing gender-based violence, an effective policy also spells out procedures for disciplining employees who perpetrate gender-based violence, whether within or outside the UN workplace. The policy should make provisions for how to respond when a member of staff discloses or is found to have committed an act of gender-based violence. Following other similar policies, the draft policy provides that a staff member who is subject to a permanent protection or restraining order, or who has been criminally convicted of an act of gender-based violence is required to disclose this fact if it would interfere with the employee's ability to perform his or her job or otherwise impact another United Nations staff member, the workplace and/or the institution.

Allegations that an employee committed an act of gender-based violence shall be subject to an investigation and perpetrators will be subject to appropriate disciplinary action, up to and including termination. The policy explicitly prohibits staff members from using any workplace resources, including work time, to threaten, harass, intimidate, embarrass or otherwise harm another person whether or not that person is a member of the UN staff.

c. Training, education and prevention

Education and awareness and training are critical aspects of a comprehensive and effective workplace response. As such the policy would include procedures for conducting workplace awareness programs and for training key staff and personnel.

Conclusion

Addressing the workplace needs of survivors of violence and acting to prevent perpetrators from violent actions are critical elements for strengthening a workforce, and are essential economic and human rights imperatives. The UN's sustained commitment to eradicating violence and improving opportunities and conditions for women worldwide comports well with creating a strong response that opposes gender-based violence in all lives. An institutional policy that addresses the workplace effects of gender-based violence constitutes a critical dimension to advancing this goal.